

**Before the State of South Carolina
Department of Insurance**

In the Matter of:

SCDOI File Number 122958

Nathan Smith

136 Oak Park Drive
Mauldin, South Carolina 29662

**Consent Order
Imposing Administrative Penalty
\$2,450.00**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Nathan Smith, a producer licensed to transact business in the State of South Carolina.

Nathan Smith acknowledges that on seven (7) occasions he sold, solicited, or marketed insurance without the appropriate license and/or appointments. All of said actions are in violation of S.C. Code §38-43-20(A), which states in pertinent part; "A person shall not sell, solicit, or negotiate insurance in this State for any line or lines of insurance unless the person is licensed for that line of authority..." and S.C. Code §38-43-50, which states in pertinent part "All applicants for a limited lines or special producer's license must be vouched for by an official or a licensed representative of the insurer for which the applicant proposes to act, who shall certify whether the applicant has been appointed a producer to represent it and that it has duly investigated the character and record of the applicant and has satisfied itself that he is trustworthy and qualified to act as its producer and intends to hold himself out in good faith as an insurance producer...." These direct violations of the South Carolina Code can ultimately lead to the revocation or suspension of a producer's license to transact the business of insurance in South Carolina. S.C. Code §38-5-130, provides that in lieu of license revocation or suspension, the Director may impose a monetary penalty as provided in S.C. Code §38-2-10.

Prior to the initiation of any administrative proceedings by the Department against Nathan Smith, the parties agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke or suspend producer's license, they would waive their right to a public hearing and pay an administrative fine in the total amount of \$2,450.00. The administrative fine will be paid within forty-five (45) days of the signed date of this consent order.

Section 38-13-160 of the South Carolina Code states that, "The director or his designee may require any authorized insurer or its officers to answer any inquiry in relation to its transactions, condition, or any connected matter necessary to the administration of the insurance laws of the State. Every corporation or person must reply in writing to the inquiry promptly and

NAS Nathan Smith

truthfully, and every reply must be verified, if required by the director or his designee, by the individual or by the officer or officers of a corporation as he designates.

After a thorough review of the record, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Nathan Smith has violated S.C. Code § 38-43-20 and §38-43-50. Although I can now revoke or suspend the producer's license, I hereby invoke the discretionary authority given to me and impose an administrative penalty against Nathan Smith in the total amount of \$2,450.00. That fine must be paid as prescribed above. If that total fine amount is not timely paid, the producer's license will be revoked without any further disciplinary proceedings.

This fine has been reached by the parties as a result of negotiation and compromise, and in consideration of Nathan Smith's assurance that he will comply with all statutes and regulations of this Department. This penalty includes all expenses related to investigation of this matter as provided in § 38-13-70 of the South Carolina Code. The parties expressly agree and understand payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter. By the signature of Nathan Smith upon this consent order, he acknowledges this administrative order as a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000).

Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (Supp. 2004).

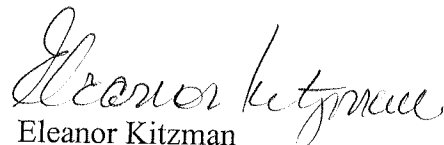
It is, therefore, ordered that Nathan Smith shall, pay through the South Carolina Department of Insurance an administrative fine in the total amount of \$2,450.00.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states.

This consent order becomes effective as of the date of my signature below.

 Nathan Smith

January 23, 2006
Columbia, South Carolina


Eleanor Kitzman
Director of Insurance

I CONSENT:

Nathan A. Smith
Signature

Nathan A. Smith
Printed Name

President
Title

Nathan Smith
136 Oak Park Drive
Mauldin, South Carolina 29662

Dated this 23 day of January 2006.